

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Sharonda Green,

Plaintiff,

vs.

Wal-Mart Stores, Inc.,

Defendant.

Case No. 2:22-cv-1279-BHH

NOTICE OF REMOVAL

1. Defendant files this Notice of Removal of the above-titled action from the Circuit Court of Dorchester County, South Carolina, to the United States District Court for the District of South Carolina, Charleston Division, pursuant to 28 U.S.C. § 1441.

2. The above-titled action was instituted by the Plaintiff against Defendant by the filing of the original Summons and Complaint on March 10, 2022. Plaintiff served Walmart's registered agent, CT Corporation, by process server on March 21, 2022. *See* State Court Documents at Service of Process Transmittal.

3. The action is currently pending in the Court of Common Pleas for Dorchester County, South Carolina, Case No. 2022-CP-18-00443. No further proceedings have been filed and the Complaint constitutes all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint is filed herewith, along with service documents. *See* State Court Documents.

4. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between the Plaintiff and Defendant. Based upon Plaintiff's alleged

physical injuries, claimed treatment, and pre-suit demand, as well as other claimed injuries and damages, including prayer for punitive damages, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

5. At the time of commencement of the action, Plaintiff was and still is a citizen of South Carolina and Walmart was at the time of the commencement of the action, and still is, a foreign business entity organized and existing under the laws of a state other than South Carolina and having its principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Wal-Mart Stores, Inc., now known as Walmart, Inc., is a citizen of both Delaware and Arkansas, as it is a Delaware corporation with its principal place of business in Arkansas. Further, Wal-Mart Stores East, L.P., which operates the subject Walmart store, is likewise a citizen of both Delaware and Arkansas, as it is a Delaware limited partnership with its principal place of business in Arkansas.

6. Plaintiff's Complaint arises out of an alleged August 21, 2019, incident in which she slipped on wet substance while shopping in a Dorchester County, South Carolina, Walmart store, breaking the glass jar that was in her hand. *See* Complaint at ¶¶6-7. Plaintiff alleges *inter alia* that she sustained injuries and damages as a result of the incident, including injuries to her hand, lower back, and right ankle, and left knee, which required her to expend monies for medical and doctor's bills, as well as suffered extreme pain, emotional distress, suffering and discomfort. *Id.* at ¶¶7, 12, and Prayer for Relief. Further, Plaintiff seeks an award of punitive damages. *Id.* at ¶13 and Prayer for Relief.

7. Upon information and belief, based upon information provided by Plaintiff prior to filing suit regarding Plaintiff's valuation of the claim, and based upon the allegations of Plaintiff's Complaint, the value of the matter in dispute exceeds the sum of Seventy-Five

Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs and the action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

8. Defendant hereby gives counsel for Plaintiff written notice of the removal of this action and will provide a copy of this Notice of Removal to the Clerk of Court for Dorchester County, as required by 28 U.S.C. § 1446(d).

9. Defendant files this Notice of Removal within thirty (30) days of the service on Defendant of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendant setting forth the claim for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal of the state court action to this Court this 20th day of April, 2022.

s/Laura R. Baer

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